



Report to Planning Committee 08 December 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Kevin McDonald – Technical Support Officer Ext 5713

Report Summary			
Application Number	22/02063/TWCA		
Proposal	1no Cedar - 8 on accompanying plan - remove snapped/broken branches and overall crown reduction of approx 1-2m, crown thin to a max. of 15% and crown lift to 1-2m 1no Mulberry -10 on accompanying plan - remove 1no Rowan - 27 on accompanying plan - remove		
Location	St Dennis's Church, Main Street, Morton, NG25 OUT		
Applicant	St Denis Parochial Church Council	Agent	Mr Roger Blaney
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	25.10.2022	Target Date	06.12.2022
		Extension of time	09.12.2022
Recommendation	No objections to the proposed works		

In line with the Constitution the notification is referred to Members of the Planning Committee for determination as the applicant is a member of the Council.

The Site

The application site, St Denis's Church, is a grade II* Listed Building located at the Junction of Church Lane and Main Street, Morton. Residential properties lie to the east and south with open/agricultural land to the north and west.

An initial site visit was made by the Case Officer on 18th November 2022 and a further site visit by the Authority’s Trees and Landscape Officer on 25th November 2022.

Relevant Planning History

Regarding previous works to trees (section 211), records indicate the following notifications for the site:

09/00282/TWCA – reduction of selected branches to 1 wellingtonia

12/01430/TWCA – removal of dead and overhanging branches to 1 no lime tree and 1 cedar tree and the removal of 1 oak

14/01796/TWCA – felling of 1 lime tree

14/01981/TWCA - felling of 1 lime tree

17/01076/TWCA – removal of 1 holly tree and general maintenance including the removal of deadwood, crossing branches and saplings

20/02327/TWCA – reduction of large leading limb back to suitable growth point to 1 cedar tree

Of the above no objection was raised to a crown thin and the removal of deadwood and problematic branches for T8 (Cedar) under notification 17/01076/TWCA and no objection was raised to the reduction of a damaged limb to the same tree under notification 20/02327/TWCA.

The Proposal

The notification seeks the removal of 1 dead rowan tree and 1 mulberry tree. The following works are also proposed to 1 cedar tree:

The removal of snapped/broken branches and an overall reduction of approx. 1-2m, crown thin to a max. of 15%, crown lift to 1-2m.

Planning Policy/Legislative Framework

Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority (LPA) when carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6-week period if the LPA gives consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order (TPO) on the tree. It is important to note, a Section 211 notice is not an application for consent under a TPO, so the authority cannot:

- refuse consent; or
- grant consent subject to conditions.

As government guidance informs, when assessing a Section 211 notice, the main consideration should be the amenity value of the tree. In addition, they must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Amenity is not defined in law so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. When assessing amenity value, the Local Planning Authority considers the following:

- Visibility - the extent to which the trees or woodlands can be seen by the public, normally from a public place, such as a road or footpath, or accessible by the public; and
- Individual, collective and wider impact - assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics. This can include size and form, rarity, historic value etc.); and

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Consultations

A Section 211 notice (Tree works in Conservation Area Notification) or notification by a statutory undertaker does not need to be publicised, however we may, if necessary, consult the Local Authorities Trees and Landscape Officer.

In this instance, the Local Authorities Trees and Landscape Officer was consulted who provided the following comments:

With regards to the cedar. These trees have supported supportive structures, it is normal for a branch failure to have subsequent minor failures as a crown re-stabilises. Unfortunately, in this case the rebalancing, thinning and reduction work have exacerbated the problem resulting in more, larger branch failures. In order to assess the tree, I would need to go on site, if the tree is significant, I would suggest this element is withdrawn.

With regards to the rowan/mulberry as this tree comes under Section 213 (1) (b) of the Town and Country Planning Act 1990 allows local authorities to request a re-planting when dead/dangerous trees are removed.

Following a site visit by the Authority's Trees and Landscape Officer on 25th November 2022 a change in the description to the proposed works for cedar tree was suggested to clarify the extent of the proposed works:

With regards the cedar the notice needs to be clarified.

This appears to currently read as follows.

1. *Remove snapped/ broken branches*
 - a. *The removal of the snapped branches is agreed and suggested as exempt.*
2. *Remedial works, thinning or reducing to rebalance the tree.*
 - a. *The outcome from this is to [sic] open, I would suggest the following.*
 - i. *Reduce by approx. 1-2m, crown thin to a max. of 15%, crown lift to 1-2m*

The description was subsequently amended and agreed by the agent based on the above comments.

Comments of the Business Manager

Appraisal of proposed works

Visibility:

Due to the location of the subject trees within the churchyard and the presence of many mature trees, visibility is for the most part limited to the site with only the cedar being partially visible when passing along Church Lane. While the churchyard is accessible by the public when assessing the tree's suitability for protection, the assessment scores would be mitigated by the factors described below.

Individual, collective and wider impact:

Cedar Tree

With regard to the cedar tree (Image 1), this tree is located centrally in the graveyard and can be partially seen from the street. The tree is rather unbalanced with the limbs on the prominent side growing over nearby gravestones.



Image 1

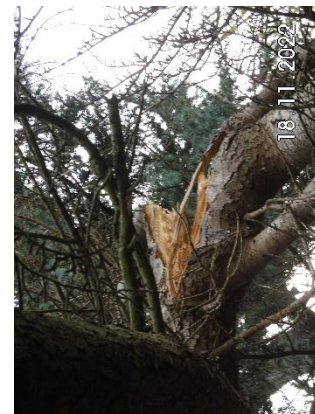


Image 2



Image 3

This species is prone to failure of the large spreading limbs as is evidenced in the case of this specimen by the presence of wounds from previous failures and work (Image 2 and Image 3). At the time of this

notification a partial failure was evident. The proposed works are intended to remove any

potential danger caused by the partial failure and to reduce the potential for future failures of limbs.

Mulberry Tree

The mulberry tree (Image 4 and Image 5) is located close to the northern elevation of the church and is in very poor condition and form having



Image 4



Image 5

co-dominant stems and a prominent split. The tree is only visible from within the site and as such makes little or no contribution to the street scene and Conservation Area. Furthermore, due to the potential for future failure of this tree it is considered to be of low amenity value.

Rowan Tree

On inspection this tree was confirmed to be dead and is, therefore, exempt from the legislation (Image 6 and Image 7).

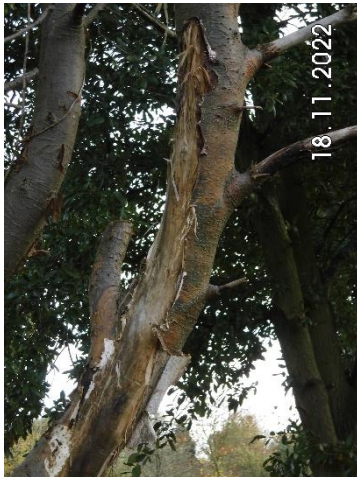


Image 6



Image 7

Conclusion

In conclusion, due to the location of the trees and the need to protect members of the public and the churchyard from any injury or damage which may occur as the result of any future failures there are no objections raised to the proposed works.

Recommendation

That no objection is raised to the proposal and that a replanting is requested as detailed above.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/02063/TWCA

